

1       that summary makes any sense, but it's a lot in one  
2       package.

3       Q.   Sure.  I mean, I saw Image 1 in your report had -- sort of  
4       described constitutional policing as being the  
5       intersection of policy, supervision, and training.  Is  
6       that a fair, high-level summary of what you focus on?

7       A.   Yes.  I would say the reason why we put that in the report  
8       is that when we go into departments, we're only concerned  
9       about their operational sanctity.  You know, we try to  
10      avoid personnel and personalities, and we focus on the  
11      things that departments should be doing to operate  
12      effectively.  And that would be our key cornerstone of  
13      anybody that investigates law enforcement, whether it's  
14      Department of Justice or outside entities.  And I use the  
15      word investigation, but I guess assessment is probably the  
16      better way to do it, because it's an organizational study.  
17      You -- you look at the cornerstones that make a department  
18      operate effectively.  And as I identified there, we would  
19      -- we would agree that constitutional policing falls under  
20      effective policies, effective training on those policies,  
21      and supervision to ensure that the officers are doing what  
22      they're supposed to do.  And you can probably see that  
23      through the analysis portion of the report and the  
24      recommendations, that's where -- that's where our focus  
25      was.

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1 directly related to that for purposes of transparency and  
2 clarity when conducting the assessment.

3 Q. And we'll kind of get to the report in a second, but are  
4 there particular documents or things that you thought were  
5 necessary that you didn't get in preparing this report for  
6 whatever reason?

7 A. Well, the bigger challenge, as you saw in the report, was  
8 that our frustration, which took a significant amount of  
9 time, was that we want to give the department credit for  
10 the work that they do do correctly, and we will then,  
11 obviously, challenge them on work that they don't do equal  
12 to continued standards. One of the challenges that we  
13 faced here was that the record keeping process and the  
14 documents, the case files, we just expected more. And we  
15 spent a lot of time asking for more and working with the  
16 department to find more solely because we don't -- we want  
17 to make sure that we're getting an accurate assessment.  
18 And obviously, when you're doing an assessment of  
19 investigations, the quality of the investigation and the  
20 documents that make up the investigation are a very  
21 important part of determining the assessment.

22 Q. I'm going to go to the next page, if we can. There was a  
23 section nine that talked about retention and destruction  
24 of files. I see that it was changed from two years to six  
25 months. Do you know why that change was made?

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1           what would be 325 'ish reports, we needed the case files  
2           for those, and those were sent over to us. And then once  
3           we have those documents, we continue -- we begin our  
4           assessment, which means we produce documents in order to  
5           break down all of those files to something that we can  
6           understand and start to work with. And then those  
7           documents then become transferred into a report.

8       Q. Who did you correspond with in writing from Johnson City  
9           as you were going through this process?

10      A. Obviously, a majority of my conversations, or at least I  
11         believe all of them by E-mail, would have Sunny Sandos in  
12         them, our legal of the City. Initially, we spent a lot of  
13         time with the Sergeant John Hausman [sic]. I believe  
14         that's how you say his name. He was the guru of the  
15         report entity, and so we needed -- we spent a lot of time  
16         working with him in order to get the documents that we  
17         needed to and question him on why certain things weren't  
18         the way we expected them to be.

19      Q. You mentioned sort of record keeping a while ago. Were  
20         there people, employees or contractors, involved with  
21         record keeping that you corresponded with?

22      A. There -- there may have been. I think there was an  
23         officer assigned to assist John. I don't remember his  
24         name. So it was people associated with the records  
25         division, but most of our correspondence would have gone

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1 full-time job is because, you know, a good investigator is  
2 going to make contact with the victim, going to try to  
3 keep the victim involved in the process while the case is  
4 your case and ongoing. And ways to do that would be just  
5 checking in on the victim, or attempting to get additional  
6 photographs of bruises or injuries, and follow up with  
7 them on a case by case basis, and we didn't see  
8 documentation of that.

9 Q. Thank you. And then I see you have a -- you talk about  
10 developing a more integrated approach with victim  
11 advocates and experts who specialize in trauma. In the  
12 cases that you did review, was there an absence of victim  
13 advocates or trauma experts?

14 A. What we did see in cases where an outside entity would be  
15 called in to assist, but very rarely did we see that or  
16 was it documented. It could have happened and just didn't  
17 get any documentation. Like a lot of times when you take  
18 a victim to the hospital, the hospital has people on  
19 staff, you know, social workers and therapists that will  
20 be on staff and assist. But, you know, whether -- what  
21 they did or when they did it was not documented.

22 Q. So I see here you have this recommendation on Page 23 and  
23 24 of seven different steps. Again, you have no idea if  
24 JC, Johnson City, has implemented these recommendations?

25 A. I do not.

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1 Q. And you are not involved in Johnson City implementing  
2 these measures.

3 A. I'm not, no.

4 Q. Okay, great. Thank you. Turning to Page 24, you have  
5 "g", JCPD's response to sexual assault was challenged  
6 based on gender-based stereotypes and bias. And then  
7 there's specific statements by investigators and  
8 department leadership that women reporting non-stranger  
9 sexual assault are lying, and that such assaults are less  
10 severe and traumatic to victims than other serious crimes.  
11 Can you elaborate on that statement to me? What were you  
12 referring to?

13 A. So, in speaking with different investigators, and I  
14 believe the key one here was Investigator Dunn, there was  
15 some directions that command staff in the investigative  
16 application, and maybe in other areas of the department,  
17 would make allegations or assumptions based on the  
18 position or the situation that the female was in at the  
19 time of the alleged assault, and therefore was lying as a  
20 result of it. And obviously, that is -- that is biased,  
21 and it's biased as to the victims, and it needs to be --  
22 it has no place in sexual assault investigations.

23 Q. Did Investigator Dunn identify which supervisors held  
24 those views?

25 A. My recollection was that in the investigative application

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1 review transcripts of those?

2 A. I did not.

3 Q. Did they -- okay, well, so I think you just answered my

4 next question which is in no way did Ms. Dahl's

5 performance as a federal prosecutor assigned to Johnson

6 City affect the opinions in your report.

7 A. I don't have an opinion to that.

8 Q. Great. I have nothing further at this time. Thank you

9 for your time today, Mr. Daigle. I realize it's not the

10 best day of the year, perhaps, to do a depo.

11 A. Thank you very much. I appreciate it.

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13 CROSS-EXAMINATION BY MR. K. ERICKSON HERRIN:

14 Q. Mr. Daigle, my name is Erick Herrin. I'm one of the

15 lawyers representing the City and Chief Turner. What --

16 do you happen to be a marathon runner or what's your --

17 what's your circumstances of the rest of the day?

18 A. I'm not going anywhere. Whatever you need, sir.

19 Q. So I take it that you're ready to keep answering some

20 questions?

21 A. I'm good, yes, sir.

22 Q. Okay.

23 A. You all are a little far away though, so you might want to

24 move the microphone closer to you so you're -- I can hear

25 you clearly.

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CROSS - HERRIN